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AUG 17 2007

Attorney's Docket: 2002DE130

Serial No.: 10/656,313

Group: 1713

REMARKS

The Office Action mailed July 28, 2006, has been carefully considered together with each of the references cited therein. The amendment and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-5, 17, 21-23 and 40-42 are pending in this Application. By this amendment, Applicants have amended claim 1.

Claim rejections under 35 USC § 112, first paragraph

Claims 1-5, 17, 21-23 and 40-42 stand rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Specifically, finds the phrase "does not contain a polymeric molding compound," lacking basis in the original disclosure. By this Amendment, Applicants have expanded on the subject phrase to read as follows: "wherein the pulverulent flame-retardant composition does not contain a polymeric molding compound prior to adding the pulverulent flame-retardant composition to a molding composition."

It is respectfully contended this phrase finds support in the specification as originally filed. The Office's attention is courteously directed to page 17, starting on line 4, wherein the Applicants state that the invention provides a flame retardant polymer molding composition which comprises the inventive pulverulent flame retardant composition with low dust level. In the paragraphs beginning on line 7 of page 17 it will be seen that each flame retardant polymer molding composition includes a distinct weight percentage of the flame retardant composition and a separate and distinct weight percentage of a thermoplastic polymer. Based upon this disclosure, it is Applicants' respectful contention that one with ordinary skill in

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the art having a knowledge of flame retardants would immediately recognize that the flame retardant composition of the instant invention does not contain a polymeric molding compound until it is placed into a molding composition.

As stated in § 2163 of the MPEP, "[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention" (citations omitted). Here, given the disclosure on page 17, *inter alia*, Applicants stress that an ordinary artisan would immediately conclude that the instantly claimed flame retardant composition does not have a polymeric molding compound prior to its addition to a molding composition. Thus, it is Applicants' position that it was in possession of the claimed invention at the time of filing and that one with ordinary skill in the art would immediately conclude that the inventor had possession of the claimed invention.

In view of the foregoing, it is respectfully contended that the 35 USC § 112, first paragraph, rejection has been overcome.

Claim Rejections Under 35 USC § 103

Claims 1, 23 and 42 stand rejected under 35 USC § 103 as being unpatentable over Weil et al. (US Patent 5,578,666) in view of Langford (US Pub. 2001/0011112). Claims 2-5 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Patent 5,578,66) in view of Langford (US Pub. 2001/0011112) as applied to claim 1, and further in view of Jenewein et al. (US Patent 6,365,071). Claims 21-22 and 40-41 stand rejected under 35 USC § 103(a) as being unpatentable over Weil et al. (US Patent 5,578,666) in view of Langford (US Pub. 2001/0011112) as applied to claim 1, and further in view of Gareiss et al. (US Patent 6,084,012). These rejections are respectfully traversed.

On page 4 of the Office Action under the title "Response to Arguments", the Office states:

Applicant's arguments filed October 30, 2006 have been fully considered but they are not persuasive. Applicants argue that the

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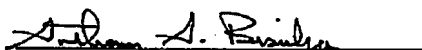
amended claim 1 now contains a new feature "the pulverulent flame-retardant composition does not contain a polymeric molding compound." However, in view of the 112 rejection set forth, claims 1-5, 17, 21-23 and 40-42 stand rejected for the reasons adequately set forth above.

In view of Applicants position that the 35 USC § 112, first paragraph has been overcome by newly amended independent claim 1, it is respectfully contended, for all the reasons set forth in its previous amendments and responses, that Applicants' claimed invention is not made obvious by the rejections set forth in paragraphs 5, 6 and 7 of the instant Office Action.

For at least foregoing reason, it is respectfully contended that the 35 USC § 103(a) rejections have been overcome. In view thereof, Applicants courteously solicit reconsideration and withdrawal of the rejections.

In view of the forgoing amendment and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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